

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8143 of 1993

cr

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

d =====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

MAHESHWARI DEVI

Versus

OIL & NATURAL GAS COMMISSION

Appearance:

No one appears for the petitioner.

MS VASUBEN P SHAH, senior counsel with Ms.Kalpane
J. Brahmbhatt for Respondent No. 1, 2

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 02/08/96

ORAL JUDGMENT :

1. Through this Special Civil Application the petitioner has sought a direction against the ONGC to implement and carry out the Award of the Industrial Tribunal in Reference (ITC) No.31 of 1987 dated 28-4-88

so as to treat the petitioner as a temporary employee and to grant to her all consequential benefits.

2. It may be pointed out that the respondent-ONGC itself had filed Special Civil Application No.3348 of 1988 in this Court challenging the Award dated 28-4-88, which has been sought to be implemented and carried out through the present Special Civil Application. Special Civil Application No.3348 of 1988 itself has been decided today by a separate order and the same has been rejected. The petitioner is already continuing in the service of the ONGC on the strength of the Award dated 28-4-88 read with the interim order dated 4-7-88, which had been passed by the Division Bench in Special Civil Application No.3348 of 1988. Once the Special Civil Application filed by the ONGC against the Award dated 28-4-88 itself has been dismissed, there is no reason to consider that the Award shall not be given its full effect in letter and spirit by a body like ONGC and, therefore, there appears to be no necessity to issue a mandamus against the ONGC in the present petition. It appears that so far the Award dated 28-4-88 had not been given full effect to, particularly with regard to the due wages because of the pendency of the Special Civil Application No.3348 of 1988 and the present petitioner had only been reinstated after the interim order dated 4-7-88 passed by the Division bench in Special Civil Application No.3348 of 1988. Now that the petition of the ONGC has been dismissed, there is no basis on which the petitioner's entire dues under the Award dated 28-4-8 can be withheld.

3. For the reasons as aforesaid there appears to be no necessity to issue any direction in this petition and this Special Civil Application is hereby disposed of accordingly. Rule is hereby discharged with no order as to costs.